

FIRST REGULAR SESSION

HOUSE BILL NO. 420

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CURTMAN (Sponsor), BURLISON, LICHTENEGGER,
KOENIG AND BROWN (Co-sponsors).

1178L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to legislative preemption of firearm regulation by political subdivisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 21.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. **(1) Except as provided in subdivision (2) of this subsection**, nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(2) In any jurisdiction in which open carry of firearms is prohibited by ordinance,**
18 **open carry of a firearm shall not be prohibited in accordance with the following:**

19 **(a) Any person with a valid concealed carry endorsement who is open carrying a**
20 **firearm shall be required to have a valid concealed carry endorsement from this state or**
21 **a permit from another state permit which is recognized by this state in his or her possession**
22 **at all times;**

23 **(b) The open carrying of a firearm shall be limited to a firearm sixteen inches or**
24 **less in overall length;**

25 **(c) Any person open carrying a firearm in such jurisdiction shall display his or her**
26 **concealed carry endorsement upon demand of a law enforcement officer;**

27 **(d) In the absence of any reasonable and articulable suspicion of criminal activity,**
28 **no person carrying a concealed or unconcealed handgun shall be disarmed or physically**
29 **restrained by a law enforcement officer unless under arrest; and**

30 **(e) Any person who violates this subdivision shall be subject to the penalty provided**
31 **in section 571.121.**

32 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or
33 ammunition to the public is not an abnormally dangerous activity and does not constitute a public
34 or private nuisance.

35 5. No county, city, town, village or any other political subdivision nor the state shall
36 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
37 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
38 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
39 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
40 suit which may be brought in the future. Provided, however, that nothing in this section shall
41 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
42 defective design or manufacture of firearms or ammunition.

43 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
44 political subdivision from bringing an action against a firearms or ammunition manufacturer or
45 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or
46 such political subdivision.

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